IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

WP(C).No. 6479 of 2005(U)

I.A.292/05 IN OS.458/1999 of II ADDL.SUB COURT, TRIVANDRUM

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PETITIONER:

S.SURESH KUMAR,
S/O.N.SUKUMARAN,
SURYA BHAVAN, K.P.XX/266,
KOTTAYIL PANCHAYAT, AMARAVILA,
NEYYATTINKARA.

BY ADV. SRI.R.MANOJ

RESPONDENT:

M.VIARAVAN,
S/O.MUTHAPPAN,
T.C.38/1586,
OVER BRIDGE LANE, M.G.ROAD,
THIRUVANANTHAPURAM.

BY ADV. SRI.D.SAJEEV

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.6479/05

APPENDIX

PETITIONER'S EXTS:

EXT.P1 – TRUE COPY OF BLANK LETTER PAD OF THE PETITIONER FILLED UP BY NAGAPPAN NAIR AND HANDED OVER BY PETR. TO THE PLAINTIFF, PRODUCED AS EXT.A2 BEFORE THE COURT BELOW.

EXT.P2 – TRUE COPY OF I.A.292/05 IN O.S.458/99

EXT.P3 – TRUE COPY OF ORDER OF COURT BELOW DISMISSING EXT.P2 DT.19.1.05

EXT.P4 – TRUE COPY OF WRITTEN STATEMENT FILED BY PETR. BEFORE THE COURT BELOW.

/TRUE COPY/

PIUS C. KURIAKOSE, J.

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W.P.(C)No.6479 OF 2005

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DATED THIS THE 11th JULY, 2007

J U D G M E N T

Heard both sides.

2. I do not find any infirmity which warrants interference with Ext.P3 in the visitorial jurisdiction of this Court. However, since there is no serious objection to the respondent-plaintiff in the court comparing the admitted handwritings of the defendant-petitioner with the handwritings on Ext.A1 cheque, this Writ Petition will stand disposed of directing the court below, notwithstanding Ext.P3, to compare the handwritings on Ext.A1 cheque with the admitted handwritings of the defendant-petitioner and come to its own conclusions. It is made clear that this Court has not expressed any opinion about the correctness of the view expressed in Ext.P3. Since the suit of the year 1999 and the evidence is practically completed, the court below will do the needful immediately and dispose of the suit finally, at its earliest and at any rate within one month of receiving copy of this judgment.

(PIUS C.KURIAKOSE, JUDGE)

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